

**DEPARTMENT OF CONSUMER AFFAIRS  
ACUPUNCTURE BOARD**

**INITIAL STATEMENT OF REASONS**

**Hearing Date:** August 22, 2005

**Subject Matter of Proposed Regulations:** Continuing Education

**Sections Affected:** 1399.480, 1399.481, 1399.482, 1399.483, 1399.484, 1399.485, 1399.486, 1399.487, 1399.488, 1399.489 and 1399.489.1

**Specific Purpose of each adoption, amendment, or repeal:**

The specific purpose of this proposal is to require mandatory 4 hours in drug/herb interaction every two years as a condition of renewal for purposes of patient safety. This proposal also specifies two categories that continuing education courses must fall within and limits the number of hours a licensee can take on courses not directly related to acupuncture and Oriental medicine, Western medicine as it relates to acupuncture practice and scope of practice.

In addition, the proposed amendments would clarify and make specific the continuing education requirements for licensees and providers. The Board also proposes to remove the term "approved" in all affected sections where the term is redundant and clarify with more specific wording.

**Factual Basis/Rationale**

In a recent study, the Little Hoover Commission stated that the steadily increasing educational requirements for new entrants into the acupuncture profession potentially creates different levels of competency, and could confuse or mislead the public regarding the knowledge, skills and ability of those previously licensed. Therefore, they recommended the law be changed to specify courses to keep practitioners current on certain conditions and procedures (for purposes of patient safety).

Business and Professions Code Section 4934.2(b) specifically required the Board to study and recommend ways to improve the quality and relevance of their CE courses. As a result, in the last two years, the Board conducted extensive licensee surveys and held four focus group panel meetings to thoroughly evaluate the continuing education process. Panel discussions and evaluations were thorough, focused and productive. These proposed amendments are a direct result of those panel meetings.

The proposed amendment to section 1399.482 would categorize two types of permissible courses. The proposed changes would better specific the units in category 1 and category 2 that can, or must, be taken for the renewal of licenses. Proposed amendment to section 1399.489 limits the amount of hours that can be claimed for category 2 courses

### **Underlying Data**

May 2003 Licensee CE Survey; August 2002 CE Focus Group Report; April 2004 CE Review Panel Decisions; May 2004 CE Review Panel Decisions; June 2004 CE Subcommittee Report; and, July 2004 Distance Education Workshop Decision.

### **Business Impact**

This regulation will not have a significant adverse economic impact on businesses.

### **Specific Technologies or Equipment**

This regulation does not mandate the use of specific technologies or equipment.

### **Consideration of Alternatives**

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.